

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: DECEMBER 2, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ROC-36456 – REVIEW OF CONDITION- SITE DEVELOPMENT  
PLAN REVIEW - APPLICANT/OWNER: CAROLINE’S COURT LLC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: DENIAL.** If approved, subject to:

**Planning and Development**

1. Conformance to the conditions of approval of Site Development Plan Review (SDR-20496) and all other site related actions as required by the Planning and Development Department and Department of Public Works, except as amended herein.
2. Condition #21 shall be amended to read, “Hours of operation for the Lowe’s shall be six a.m. to 10 p.m. The northernmost building is allowed 24-hour operations for a fast-food drive-through restaurant.”

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The site is currently approved for a 269,860 square-foot commercial center. Condition #21 of a previously approved Site Development Plan Review (SDR-20496) restricted the hours of operation for the Lowe's and the northernmost building from 6 a.m. to 10 p.m. The applicant is requesting to modify Condition #21 to allow 24-hour operations for only the northern most building for a proposed 2,155 square-foot fast food restaurant with drive-through, if approved. Staff is recommending denial of this request, as there are single-family residential homes directly north of the proposed location.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
12/07/98	The City Council approved a request for Rezoning (Z-0076-98) on property located within the area designated Town Center on the Northwest Amendment to the General Plan on 1,468 acres from U (Undeveloped), R-E (Residence Estates), R-PD7 (Residential Planned Development- 7 Units per Acre), R-PD11 (Residential Planned Development- 11 Units per Acre), R-PD13 (Residential Planned Development- 13 Units per Acre), R-PD18 (Residential Planned Development- 18- Units per Acre), R-CL (Single Family Compact Lot), C-1 (Limited Commercial), C-2 (General Commercial), C-V (Civic), and PD (Planned Development) Zones to T-C (Town Center). The Planning Commission recommended approval on 11/05/98.
07/11//07	The City Council approved a request for a Special Use Permit (SUP-20497) for a Building and Landscape Material/Lumber Yard.
	The City Council approved a related request for a Special Use Permit (SUP-20498) for Outdoor Storage, Accessory.
	The City Council approved a related request for a Special Use Permit (SUP-20499) for a Restaurant with Drive-through.
	The City Council approved a related request for a Site Development Plan Review (SDR-20496) for a proposed 269,860 square-foot commercial center and waivers to deviate from Town Center Design Standards to allow a six-foot wide landscape buffer on the south property line where eight feet is required and to allow zero feet of perimeter landscape buffer adjacent to the Multi-Use Transportation Trail along the north and west property lines where 15 feet is required on 23.62 acres at the northwest corner of El Capitan Way and Durango Drive. The Planning Commission recommended approval on 06/14/07.

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
11/29/07	The Planning Commission approved a request for a Tentative Map (TMP-25075) for a one-lot commercial subdivision on 23.62 acres at the northwest corner of El Capitan Way and Durango Drive.
04/28/08	The Planning and Development Department approved a request for a Final Map Technical Review (FMP-27577) for a one-lot commercial subdivision at the northwest corner of Durango Drive and El Capitan Way.
04/23/09	The Planning Commission approved a request for a Waiver (WVR-33758) to allow no amenity zone along a 233-foot portion of Durango Drive where a 2.5-foot amenity zone is required adjacent to the northwest corner of Durango Drive and El Capitan Way.
06/25/09	The Planning Commission approved a request for a Master Sign Plan (MSP-34174) for a commercial development with waivers of the Town Center Sign Standards to allow 2,609 square feet of freestanding signage where 1,506 square feet is permitted, a 100-foot Pylon Sign where 24 feet is permitted, three monument signs along El Capitan Way street frontage where two are permitted, and to allow wall signs to face a existing residential development that is located outside the limits of the Centennial Hills Town Center where such is not permitted on 23.62 acres at the northwest corner of El Capitan Way and Durango Drive.
07/15/09	The City Council approved a request for an Extension of Time (EOT-34757) of a previously approved Special Use Permit (SUP-20497) for a Building and Landscape Material/Lumber Yard at the northwest corner of Durango Drive and El Capitan Way.
	The City Council approved a related request for an Extension of Time (EOT-34759) of a previously approved Special Use Permit (SUP-20498) for Outdoor Storage, Accessory.
	The City Council approved a related request for an Extension of Time (EOT-34761) of a previously approved Special Use Permit (SUP-20499) for a Restaurant with Drive Through.
	The City Council approved a related request for an Extension of Time (EOT-34762) of a previously approved Site Development Plan Review (SDR-20496) for a proposed 269,860 square-foot commercial center and waivers to deviate from Town Center Design Standards to allow a six-foot wide landscape buffer on the south property line where eight feet is required and to allow zero feet of perimeter landscape buffer adjacent to the Multi-Use Transportation Trail along the north and west property lines where 15 feet is required.
11/05/09	The Planning Commission recommended approval for a Variance (VAR-36338) to allow zero loading zones where one is required on 25.03 acres at the northwest corner of El Capitan Way and Durango Drive. The Variance (VAR-36338) and related applications are scheduled to be heard at the 12/02/09 City Council meeting.
	The Planning Commission recommended approval for a related request for a Special Use Permit (SUP-36111) for a proposed 2,155 square-foot Restaurant

	with Drive-through.
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<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
	The Planning Commission recommended denial a related request for a Major Amendment (SDR-36112) to a previously approved Site Development Plan Review (SDR-20496) for a proposed 2,155 square-foot restaurant with drive-through with waivers of Town Center Development Standards to allow no landscaping within the additional 10-foot setback area required along the east perimeter for a fast-food restaurant, and for a 72-foot tall clock tower where a 39-foot tall tower was previously approved.
<b><i>Related Building Permits/Business Licenses</i></b>	
09/16/08	Plan Check #25179 was submitted for retail shell buildings and clock tower within a commercial center at 7737 North El Capitan Way. The plans are in the process of being reviewed by various departments.
10/09/09	Plan Check #26225 was submitted for a major retail establishment within a commercial center at 7751 North El Capitan Way. The plans are in the process of being reviewed by various departments.
10/20/09	Plan Check #27890 was submitted for a Restaurant within a commercial center at 7741 North El Capitan Way. The plans are in the process of being reviewed by various departments.
Numerous building permits have been issued for the commercial center located at the northwest corner of El Capitan Way and Durango Drive.	
<b><i>Pre-Application Meeting</i></b>	
A pre-application meeting is not required for this type of application, nor was one held.	
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required for this type of application, nor was one held.	

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	25.01

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Commercial Center	TC (Town Center)	T-C (Town Center) [SC-TC (Service Commercial- Town Center) Special Land Use Designation]
North	Single Family Residences	TC (Town Center)	T-C (Town Center) [ML-TC (Medium-Low Density Residential- Town Center) Special Land Use Designation]
South	Undeveloped Land	TC (Town Center)	T-C (Town Center)

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
East	Retail Establishments	TC (Town Center)	T-C (Town Center) [SC-TC (Service Commercial-Town Center) Special Land Use Designation]
West	US-95 Freeway	ROW (Right-of-Way)	ROW (Right-of-Way)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>			
T-C Town Center Development Standards	X		Y
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>			
T-C (Town Center) District	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## ANALYSIS

The subject site received previous approval for a 269,860 square-foot commercial center. Condition #21 of the Site Development Plan Review (SDR-20496) restricted the hours of operation for the Lowe's and the northernmost building of the center from 6 a.m. to 10 p.m. The applicant is requesting to modify Condition #21 to allow 24-hour operations for the northern most building for a proposed 2,155 square-foot fast food restaurant with drive-through. Directly north of the proposed fast food restaurant are single-family residences.

## FINDINGS

The Site Development Plan Review (SDR-20496) restricted the hours of operation of the northernmost building due to its close proximity to residential homes. During the 05/30/07 neighborhood meeting, residents voiced their disapproval for 24-hour operations for restaurants within the commercial center. Staff finds the proposed change in operating hours for the northern most building would have a negative effect on the residences to the north; therefore is recommending denial of this request.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** N/A

**ASSEMBLY DISTRICT** N/A

**SENATE DISTRICT** N/A

**NOTICES MAILED** 539

**APPROVALS** 0

**PROTESTS** 0